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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,181	11/24/2003	Tad Dennis Brockway	MS1-1787US	7006
22801	7590	01/13/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER

2153

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,181

Applicant(s)

BROCKWAY ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 10, 16, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 4, 10, 16, and 22 are improper Markush type claims. Specifically, the use of "and/or" in line 5 is improper because, given the current claim language, the options in the list must only be referred to in the alternative.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-10, 13-16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rangarajan et al. (USPN 5,845,081).
6. Regarding claims 1, 7, 13, and 19, Rangarajan et al. (USPN 5,845,081) teach a system for enumerating applications by a remote computer client computer, the applications being deployed in an Intranet, the remote client computer being external to the Intranet with means for:

- a. Sending a remote application discovery request to a Web service, the Web service (*NX/IS*) being deployed on a remote applications publication (*RAP*) Web server (*figure 1, element 139*) in the Intranet, the remote application discovery request being sent to the web service by the remote client computer via a public network (*network 150*) coupling the remote client computer to the Web server (*figure 1; column 9, lines 64-66*)
- b. Responsive to the sending, receiving a discovery response from the Web service, the discovery response identifying at least one application installed on the Intranet for terminal server (*TS*) based access by a user of the remote client computer (*column 7, lines 54-57; column 10, lines 1-11*).

7. Regarding claims 2, 8, 14, and 20, Rangarajan et al. (USPN 5,845,081) teach all the limitations as applied to claims 1, 7, 13, and 19, respectively. They further teach means wherein the sending and receiving are independent of a Virtual private Network connection between the remote client computer and the Intranet (*figure 1*). Please note that no VPN is used, so the connection is independent of any VPN that may exist.

8. Regarding claims 3, 9, 15, and 21, Rangarajan et al. (USPN 5,845,081) teach all the limitations as applied to claims 1, 7, 13, and 19, respectively. They further teach means wherein the at least one application is multiple applications, respective ones of the multiple applications having been published by multiple information sources on the Intranet (*column 10, lines 1-7; figure 1, Netware Service A and B*).

9. Regarding claims 4, 10, 16, and 22, Rangarajan et al. (USPN 5,845,081) teach all the limitations as applied to claims 1, 7, 13, and 19, respectively. They further teach means wherein the at least one application is multiple applications, respective ones of the multiple applications having been published by multiple information sources on the Intranet, the multiple information sources comprising a directory service, a Systems Management Server (SMS), and/or an office computer associated with the user (figure 1; column 10, lines 1-7). Please note that the Network Management System Export Import System, element 139, is analogous to an SMS.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, 6, 11, 12, 17, 18, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangarajan et al. (USPN 5,845,081) in view of Huang et al. (USPN 6,247,052).

12. Regarding claims 5, 11, 17, and 23, although the system disclosed by Rangarajan et al. (USPN 5,845,081) (as applied to claims 1, 7, 13, and 19, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein responsive to receiving the discovery response from the Web service, the remote client computer presents respective shortcuts to the user, each shortcut corresponding to an individual one of remote applications identified in the discovery response, each shortcut

being selectable by the user to invoke a terminal service, the terminal service executing a corresponding remote application on an associated installation point on the intranet.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Rangarajan et al. (USPN 5,845,081) as evidenced by Huang et al. (USPN 6,247,052).

In an analogous art, Huang et al. (USPN 6,247,052) discloses a system for remote application execution wherein responsive to receiving the discovery response from the Web service, the remote client computer presents respective shortcuts to the user, each shortcut corresponding to an individual one of remote applications identified in the discovery response, each shortcut being selectable by the user to invoke a terminal service, the terminal service executing a corresponding remote application on an associated installation point on the intranet (abstract; figure 7; column 7, lines 49-53).

Given the teaching of Huang et al. (USPN 6,247,052), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Rangarajan et al. (USPN 5,845,081) by providing shortcuts to the actual applications that were enumerated. This benefits the system by allowing a user to access the applications that have been sent in response to the request.

13. Regarding claims 6, 12, 18, and 24, although the system disclosed by Rangarajan et al. (USPN 5,845,081) (as applied to claims 5, 11, 17, and 23, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the shortcuts represent a merged view of the remote applications, the

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merged view being independent of respective ones of one or more installations points on the Intranet.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Rangarajan et al. (USPN 5,845,081) as evidenced by Huang et al. (USPN 6,247,052).

In an analogous art, Huang et al. (USPN 6,247,052) discloses a system for remote application execution wherein the shortcuts represent a merged view of the remote applications, the merged view being independent of respective ones of one or more installations points on the Intranet (figure 12).

Given the teaching of Huang et al. (USPN 6,247,052), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Rangarajan et al. (USPN 5,845,081) by providing a merged view of the available applications for selection. This benefits the system by allowing the user to execute the needed application from a single interface showing a range of available applications.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the article "Salutation Architecture: Enabling Applications and Services" by Robert Pascoe, published August 19, 1998.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp


ZARNI MAUNG
PROVISORY PATENT EXAMINER